

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

WINDELS MARX LANE & MITTENDORF, LLP

156 West 56<sup>th</sup> Street

New York, NY 10019

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*Counsel for Alan Nisselson,  
Distribution Agent and Responsible Officer  
Of Chapter 11 Debtor MarketXT Holdings Corp, et. al., Appellee*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT NEW YORK

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In re :  
EMPYREAN INVESTMENT FUND, LP, :  
EMPYREAN GENERAL PARTNER, LLC, ASH :  
MASTER FUND II, LLC, ASH MASTER FUND, :  
LP, ASH FUND, LP, f/k/a ASH CAPITAL :  
MANAGEMENT, ASH GENERAL PARTNER, :  
LLC, ASH OFFSHORE FUND, LTD, ASH :  
GENERAL PARTNER OFFSHORE, LTD, et al. :  
: Docket No. 08-cv-06936 RMB  
Appellants :  
:  
v. :  
ALAN NISSELSON AND OFFICIAL :  
COMMITTEE OF UNSECURED CREDITORS, :  
:  
Appellees :  
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**NOTICE OF APPEARANCE OF COUNSEL**

PLEASE TAKE NOTICE, that the undersigned hereby appears as counsel for the Appellees, as of the date hereof and requests service of all notices and documents herein upon:

WINDELSMARX LANE & MITTENDORF, LLP

156 West 56<sup>th</sup> Street

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Dated: New York, New York  
August 19, 2008

Respectfully submitted,

WINDELS MARX LANE & MITTENDORF LLP

/s/ Howard L. Simon  
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Distribution Agent and Responsible Officer,  
Appellee*

**Certificate of Service**

I, Tracy E. Heston, hereby certify that on this 19<sup>th</sup> day of August 2008, I caused a true copy of the foregoing Notice of Appearance, to be served electronically upon all parties listed in the ECF System for this matter.

/s/ Tracy E. Heston  
TRACY E. HESTON